

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION

STUDENTS FOR FAIR ADMISSIONS

*Plaintiff,*

v.

UNITED STATES MILITARY ACADEMY AT WEST POINT; THE UNITED STATES DEPARTMENT OF DEFENSE; LLOYD AUSTIN, in his official capacity as Secretary of Defense; CHRISTINE WORMUTH, in her official capacity as Secretary of the Army; LIEUTENANT GENERAL STEVEN GILLAND, in his official capacity as Superintendent of the United States Military Academy; and LIEUTENANT COLONEL RANCE LEE, in his official capacity as Director of Admissions for the United States Military Academy at West Point,

*Defendants.*

No. 7:23-cv-08262

**ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION**

**UPON** the declarations of James Hasson and Edward Blum, sworn to the 19th day of September 2023; the declaration of Member A, sworn to the 13th day of September 2023; and the declaration of Member C, sworn to the 5th day of October 2023, and upon the copy of the complaint available via ECF (Doc. 1), it is

**ORDERED**, that the above named defendants show cause before a motion term of this Court, at Room 520, Federal Building and Courthouse, 300 Quarropas Street, in the City of White Plains, County of Westchester, and State of New York, on December 21, 2023, at 11 o'clock in the fore noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendants during the pendency of this action from considering race as a factor when making admissions decisions; and it is further

~~ORDERED~~ that security in the amount of \$\_\_\_\_\_ be posted by the plaintiff prior to \_\_\_\_\_, 202\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of that day, and it is further ~~ORDERED~~ that personal service of a copy of this order and annexed affidavit upon the defendant or his counsel via ECF filing on or before \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, \_\_\_\_\_, 202\_\_\_\_, shall be deemed good and sufficient service thereof.

**ORDERED** that this Order to Show Cause and the papers upon which it is based are deemed served upon Defendants via ECF filing, provided that Plaintiff complies with the Court's Order to file an affidavit of service or waiver of service of the complaint consistent with Fed. R. Civ. P. 4; and it is further

**ORDERED** that Defendants' opposition papers shall be served and filed by November 17, 2023; and Plaintiff's reply papers shall be served and filed by November 29, 2023.

If after the motion is fully submitted the Court believes oral argument is unnecessary it will so advise the parties.

SO ORDERED.

Dated: White Plains, New York

Issued: October 31, 2023



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United States District Judge